

Message Text

CONFIDENTIAL

PAGE 01 MEXICO 05568 010954Z

56

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 PM-04 EB-07 COME-00 JUSE-00

CIAE-00 DODE-00 H-02 INR-07 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 IO-13 TRSE-00 /073 W

----- 001972

R 302009Z APR 76

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 4562

C O N F I D E N T I A L MEXICO 5568

FOR L/PM

E. O. 11652: GDS

TAGS: PGOV MX

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD: MEXICO'S
RELEVANT LAWS AND REGULATIONS

REF: A) STATE 94647 B) 75 MEXICO 10631 C) MEXICO 2654

1. FOLLOWING ANSWERS ARE KEYED TO QUESTIONS IN PARA 2 OF
REFTEL A).

A. YES. ARTICLE 218 OF THE PENAL CODE AND ARTICLE 19,
PARA IV, OF THE LAW ON THE RESPONSIBILITIES OF GOVERNMENT
OFFICIALS AND EMPLOYEES SPECIFY THAT THE OFFERING, SOLICITING
OR RECEIVING OF A BRIBE INVOLVING ANY GOVERNMENT EMPLOYEE OR ANY
EMPLOYEE OF A COMPANY IN WHICH THE THE GOVERNMENT PARTICIPATES
IS PUNISHABLE BY IMPRISONMENT FOR BETWEEN 3 MONTHS AND 5
YEARS AND A FINE OF UP TO 2,000 PESOS, I.E., 160 US DOLLARS.

B. NO. PAYMENTS TO GOVERNMENT OFFICIALS ARE CONSIDERED
BRIBES AND HENCE THEORETICALLY PROSCRIBED.

C. YES. SECRETARIAT OF NATIONAL PATRIMONY (SEPANAL) HAS
ESTABLISHED A SYSTEM OF REGISTRATION OF SUPPLIERS TO
MEXICAN GOVERNMENT AND GOVERNMENT AGENCIES(SEE REFTELS
B & C). PURPOSE IS TO AVOID EXCESSIVE COMMISSIONS TO
UNNECESSARY MIDDLEMEN AND CUT DOWN POSSIBILITY OF GRAFT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MEXICO 05568 010954Z

HOWEVER, SYSTEM DOES NOT YET SEEM TO BE EFFECTIVE. ALSO,

WE HAVE JUST LEARNED THAT LIC. GUSTAVO CORTES FUENTES, WHO AS SEPANAL'S DIR GEN OF PROCUREMENT INSPECTION HAS BEEN VERY AGGRESSIVE IN DEVELOPING SYSTEM, EXPECTS TO BE REPLACED SHORTLY.

D. NO. AN OFFICIAL IN THE ATTORNEY GENRAL'S OFFICE INFORMS US THAT MEXICAN LAW DOES NOT RESTRICT POLITICAL CONTRIBUTIONS. MOREOVER, ARTICLE 39, PARA I, SECTION 3 OF THE FEDERAL ELECTORAL LAW, WHICH WAS PASSED IN 1973, IMPLICITLY LEGITIMIZES POLITICAL CONTRIBUTIONS BY EXEMPTING FROM TAXATION "DONATIONS FOR THE EXERCISE OF THE SPECIFIED FUNCTIONS" OF A POLITICAL PARTY.

E.NO.

F. NO.

2. COMMENT: PENAL CODE NOTWITHSTANDING, BRIBERY AND CORRUPTION ARE COMMON IN MEXICO AND MOST OFFICIALS REAP HANDSOME ILLEGAL INCOMES FROM HOLDING OFFICE. MOREOVER, THE SANCTIONS DESCRIBED IN (A) ABOVE HAVE USUALLY BEEN APPLIED AGAINST OFFICIALS WHO HAVE FALLEN OUT OF FAVOR POLITICALLY. THIS LEADS MANY OBSERVERS TO SUSPECT THAT THE APPLICATION OF SANCTION IS MORE THE RESULT OF THE "FALL" THAN THE UNCOVERING OF CORRUPTION.

3. EMBASSY SENDING SPANISH TEXTS AND INFORMAL TRANSLATIONS OF PORTIONS OF LAW CITED ABOVE IN PARA 1. A AND 1.

D TO L/PM BY AIRGRAM. SINCE L/PM ALREADY HAS FULL TEXT OF LAWS CITED IN 1. C, WE PRESUME THIS ADEQUATE.

JOVA

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, BUSINESS FIRMS, FOREIGN INVESTMENTS, FINANCIAL CONTRIBUTIONS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MEXICO05568
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760167-0749
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976043/aaaaacce.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 94647, 76 MEXICO 10631, 76 MEXICO 2654
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 JUL 2004 by coburnhl>; APPROVED <05 NOV 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD: MEXICO'S RELEVANT LAWS AND REGULATIONS
TAGS: PGOV, EINV, MX, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006